

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN

&

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 8TH JUNE 2007 / 18TH JYASHTA 1929

OP.No. 27181 of 2000(S)

PETITIONERS:

1. **UNION OF INDIA, REPRESENTED BY
THE GENERAL MANAGER,
SOUTHERN RAILWAY,
PARK TOWN P.O, MADRAS-3.**
2. **CHIEF ENGINEER (CONSTRUCTION),
SOUTHERN RAILWAY,
EGMORE, MADRAS-8.**
3. **SENIOR DIVISIONAL PERSONNEL OFFICER,
SOUTHERN RAILWAY, TRIVANDRUM DIVISION,
TRIVANDRUM.**

**BY ADV. SRI.M.C.CHERIAN,SR.SC.,RAILWAYS
SRI.ALEXANDER THOMAS, SC,RAILWAYS**

RESPONDENTS:

1. **M.CHANDRARAJ,
AGE 53 YEARS, S/O LATE N. MATHAVAN,
ADHOC CLERK, OFFICE OF THE EXECUTIVE ENGINEER,
GAUGE CONVERSION, SOUTHERN RAILWAY,
SHIMOGA TOWN.**
2. **HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM REPRESENTED BY ITS REGISTRAR,
OFFICE OF THE CENTRAL ADMINISTRATIVE TRIBUNAL,
M.G.ROAD, ERNAKULAM.**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON
08/06/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

OP NO.27181/2000

ORDER IN CMP NO. 45581 OF 2000 IN OP NO.27181 OF 2000

DISMISSED

8/6/2007

SD/-K.S.RADHAKRISHNAN, JUDGE

SD/-ANTONY DOMINIC, JUDGE

APPENDIX

PETITIONERS EXHIBITS

EXT.P1: TRUE COPY OF PAGES NOS. 1 TO 4 OF THE SERVICE REGISTER OF THE 1ST RESPONDENT.

EXT.P2: TRUE COPY OF OA NO.669/98 (WITHOUT ANNEXURES).

EXT.P3: TRUE COPY OF THE REPLY STATEMENT IN OA 669/98.

EXT.P4: TRUE COPY OF THE JUDGMENT DATED 7/7/99 IN OA 669/98.

EXT.P5: TRUE COPY OF THE RAILWAY BOARD'S LETTER NO.E(NG) II/84/CL/41 DATED 11/9/86.

EXT.P6: TRUE COPY OF LETTER NO.P(RT) 406/P/VOL.V DATED 4/6-5/65 OF GENERAL MANAGER.

EXT.P7: TRUE COPY OF PARAGRAPH NO.2501 OF THE RAILWAY ESTABLISHMENT MANUAL (1968 EDITION).

EXT.P8: TRUE COPY OF PARAGRAPH NO.2001 OF THE RAILWAY ESTABLISHMENT VOL.II(1990 EDITION).

EXT.P9: TRUE COPY OF THE JUDGMENT DATED 2/4/97 IN OA NO.1468/96.

EXT.P10: TRUE COPY OF THE JUDGMENT DATED 19.1.2000 IN O P NO.11029/97.

EXT.P11: TRUE COPY OF THE JUDGMENT DATED 6/7/2000 IN OA 1468/96.

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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O.P. NO. 27181 OF 2000

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Dated this the 8th day of June, 2007

J U D G M E N T

Radhakrishnan, J.

The original petition was admitted on 23/9/2000. Stay has been granted and no steps have been taken by the respondents to vacate the stay. The first respondent might have left service by this time. Learned counsel for the petitioner submitted that the issue is already covered by the judgment in **Union of India and others v. K.G.Radhakrishna Panicker and others (1998 (5) SCC 111)** and also Ext.P10 judgment. In the circumstances Ext.P4 will stand quashed and the Original Petition is allowed

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp